IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.6371 OF 2005

Mohammad akib Mohammad Muslim Khan. ... Applicant.
Versus.
State of Maharashtra. ... Respondent.

Ms.Sarojini Upadhya i/by Shri B.P.Pandey for the Applicant.

Shri A.S.Gadkari, A.P.P. for the Respondent.

CORAM : ABHAY S. OKA, J.

DATED : 18th October, 2005.

P.C.:

1. Heard the learned Advocate for the Applicant and the learned A.P.P.

2. The offence registered against the Applicant and co-accused is under sections 302 and 397 of the Indian Penal Code. The Advocate for the Applicant submitted that the eye witnesses who have stated that they have seen the Applicant and co-accused entering the residence of the deceased woman are residing far away from the place of the residence of the deceased. The Advocate for the Applicant pointed out that merely because the Applicant is resident of U.P. bail cannot be denied to him.

3. The learned A.P.P. has produced for my perusal statements of various witnesses.

4. I have considered the submissions. Apart from the statement of Abdul Wahab and Mukhtar Ahmed there are statements of other witnesses which show that in the night of that particular day, the Applicant had visited the house of the deceased lady. The statements indicate that the Applicant and co-accused had gone to the place of the deceased and had come back after lapse of sometime. There is enough material to show complicity of the Applicant in commission of the crime. There is no merit in the application and the same is rejected.

Judge.